



TUCSON CITY COURT

Performance through Q3 2004

Executive Summary

Tucson City Court has realized significant improvements in its performance. Revenue has continued to increase with the use of sentence enforcement court and the pilot FARE program. And while the volume of cases has declined, Tucson City Court still has the highest volume of cases per magistrate in the state. Tucson City Court continually meets the time period requirements of Rule 8 of AZ Criminal Procedure in quickly deciding cases even as the use of special magistrates has declined. Continued process improvements and focus on future enhancements will allow the Tucson City Court to continue its successful performance.

Revenue Growth:

Tucson City Court has seen a steady increase in both gross and net revenues between the 1st quarter of 2002 and the 3rd quarter of 2004. Gross revenues have increased 41.4% from \$2,800,301 to \$4,776,795, while net revenues have risen 40.9% from \$1,648,918 to \$2,789,217.

Case Volume Decline:

These revenue gains were realized when charges filed and hearings were declining. DUI, criminal traffic (non-DUI) and civil traffic charges have been gradually decreasing due in large part to a drop in field officers available to make traffic stops. Criminal misdemeanor charges filed have fluctuated between 3% and 10% from 1st quarter 2002 until 3rd quarter 2004. Increases in the 1st and 2nd quarters of 2003 can be attributed to a police program that changed the processing of shoplifters in area businesses. Civil ordinance charges have increased in the first three quarters of 2004 as the police have been enforcing junk motor vehicle regulations. Petitions filed for domestic violence and harassment have dropped between fiscal years 2003 and 2004, with the largest drop (28.5%) occurring in the 1st quarter of 2004. The change came about after the Court's responsibilities were re-delineated and certain functions were shifted to other courts. The number of outstanding warrants at the end of the fiscal year increased 13.2% between 2002 and 2003.

Case Management:

Tucson City Court magistrates handle the highest volume of cases in the state. Tempe is the only municipality whose case volume compares to Tucson while Phoenix trails by nearly 40%. This volume is handled at a time when the use of special magistrates has fallen sharply. The majority of hearings conducted at Tucson City Court consist of arraignments and most trials are heard sans jury. The Court averages 111 days from arraignment to disposition of a case. Rule 8 requires disposition of a case within 180 days for defendants not in custody and within 150 days for defendants in custody. The Court exceeds those standards even though it handles a higher number of criminal cases than other courts and these cases take more time to manage than other types (especially civil traffic).

Efficiency Improvements:

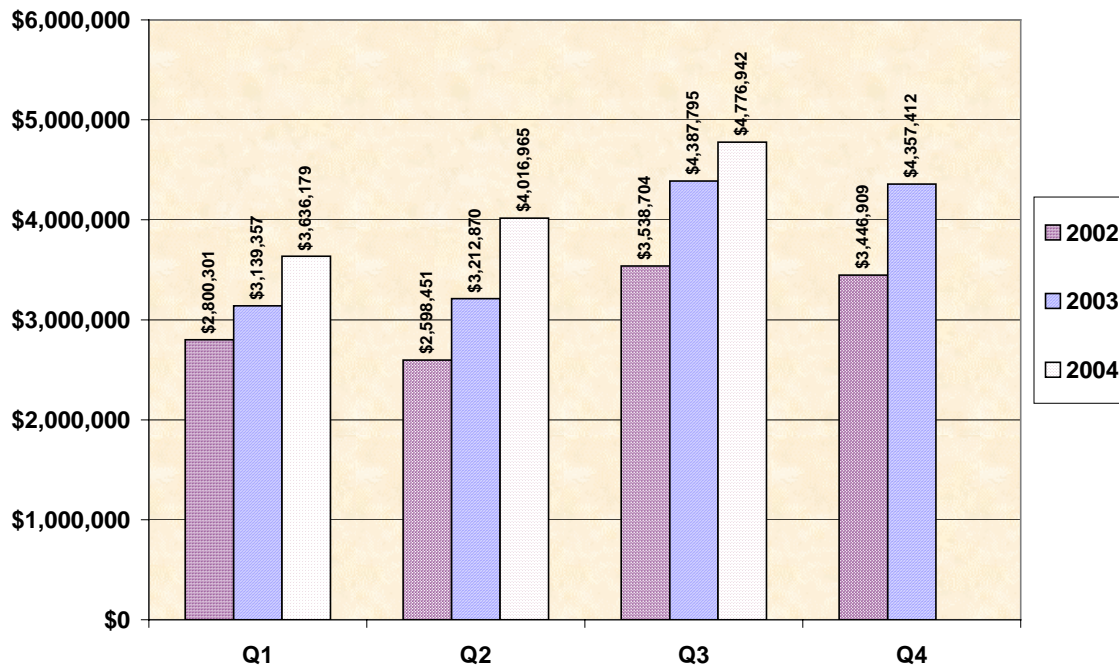
Tucson City Court has developed key efficiencies that enable it to increase revenues even as case volumes fall. The sentence enforcement court has had the most substantial impact collecting fines and fees. Additionally, Tucson City Court is slowly instituting the FARE (Fines and Restitution Enforcement) program that shifts collection burdens to an outside agency. When fully implemented it is expected that the outside agency will be able to send more notices to defendants and improve tracking of receivables. While the current effects are small it is expected to bring about increased revenues, and should be fully on-line after the Phoenix program is implemented.

The “all-assigned calendar” has also led to increased efficiency. At the time of arraignment all cases are assigned to a particular magistrate. Under the old system (effective through February 2003) the Court only assigned domestic violence and DUI cases to a magistrate at arraignment. Cases were then placed in a general queue and there was no guarantee that the magistrate and prosecutor from the pre-trial would be managing the trial. Now the same prosecutor and magistrate manage the case from pre-trial through trial. This provides higher incentive for them to better manage cases. The court has also placed a case manager in each courtroom that is responsible for updating the cases while court is in session. This keeps the files in an almost real time status and also provides the added benefit of allowing magistrates to issue same day warrants.

Ongoing Changes:

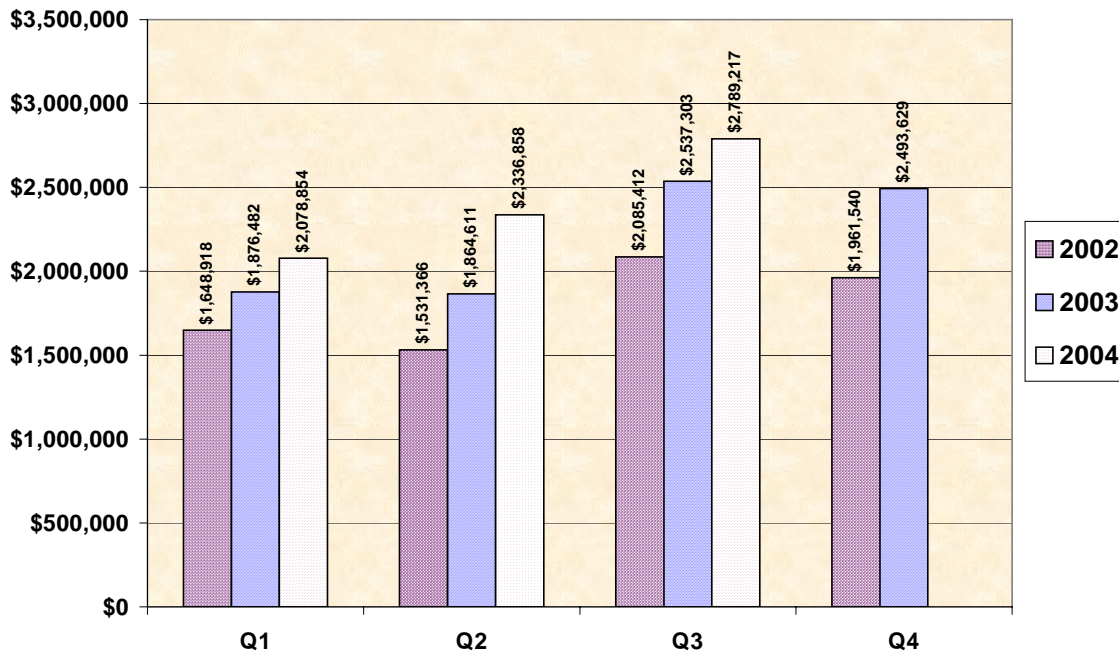
Tucson City Court is continuously looking for new methods to improve its efficiencies. It is developing a program where the magistrate’s minute entry will automatically update the Court’s computer system thus reducing the need for case managers to transcribe the information. Another program that is being developed in conjunction with the Tucson Police Department is an “auto citation entry” that would allow police officers to download their citations into Tucson City Court’s computer system.

Tucson City Court Gross Revenue



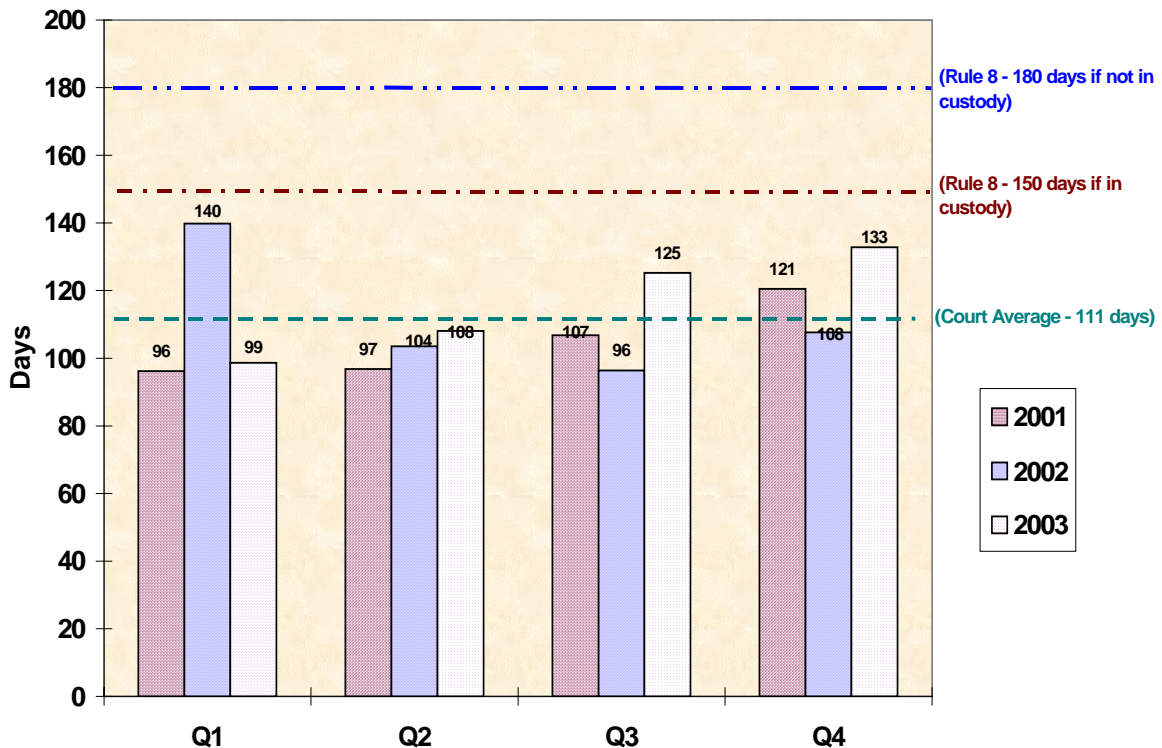
Gross revenue includes fees, fines and bond revenue. Tucson City Court has shown a consistent increase in gross revenue since 2002. While there have been quarterly fluctuations the figure has grown **from \$2,800,301** in the 1st quarter of 2002 **to \$4,776,795** in the 3rd quarter of 2004. The 1st quarter of 2003 saw an increase of 10.9% over the 1st quarter of 2002. The 2nd quarter and 3rd quarter increases were 19.2% and 19.4% respectively. The 4th quarter increase in 2003 was 20.9%. Gains have continued to be made in 2004, with a 1st quarter increase of 13.7%, a 2nd quarter increase of 20.1%, and a 3rd quarter increase of 8.2% over the corresponding quarters of 2003. Even though charges filed have been dropping as previously discussed, the court has continued to realize these revenue gains due to increased efficiency.

Tucson City Court Net Revenue



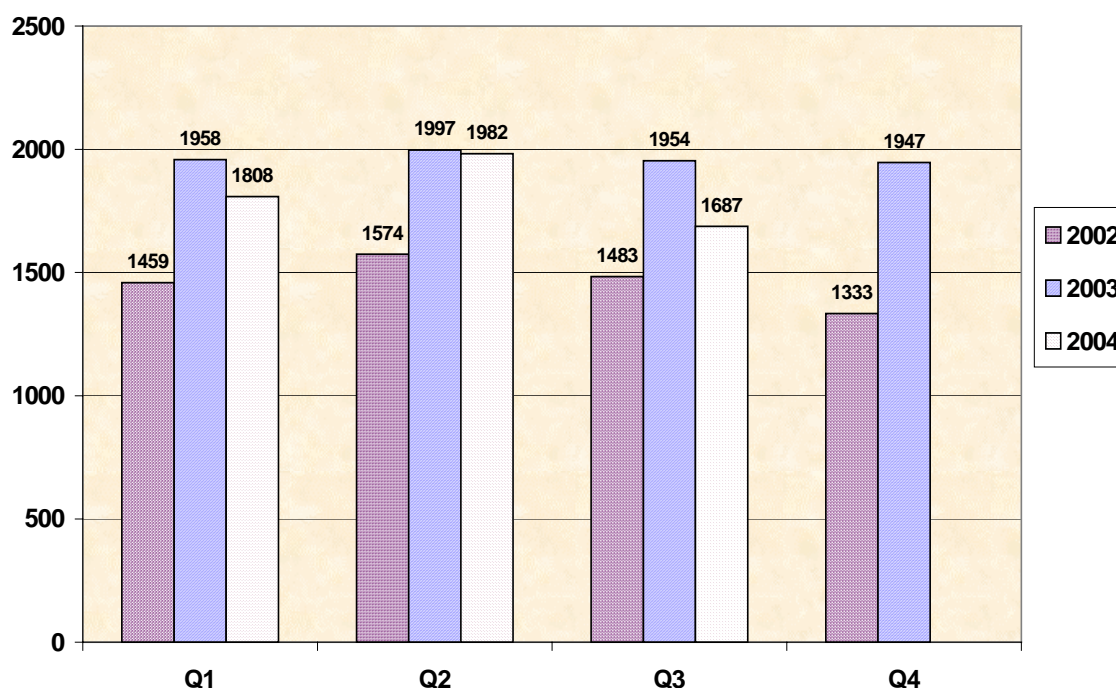
Net revenue consists of the gross revenue less bond accounts and the 45% state fees collected. Net revenues have consistently risen since the 1st quarter of 2002. While there have been quarterly fluctuations the figure has grown **from \$1,648,918** in the 1st quarter of 2002 **to \$2,789,217** in the 3rd quarter of 2004. The 1st quarter of 2003 saw an increase of 12.2% over the 1st quarter of 2002. The 2nd and 3rd quarter increases were both 17.9%, and the 4th quarter increase was 21.4%. Gains have continued in 2004, as the 1st quarter rose 9.8% over the 1st quarter of 2003. The 2nd quarter was up 20.3% and the 3rd quarter of 2004 was up 9.1%.

Tucson City Court Arraignment to Disposition



Rule 8 of Arizona Criminal Procedure allows 180 days between arraignment and disposition of a case where the defendant is not in custody. That time is reduced to 150 days where the defendant is in custody. Tucson City Court averages 111 days from the time of arraignment to the time of disposition. This is well below the required time period. The numbers increased steadily throughout 2003. However, this rise can be attributed to the switch to an all-assigned calendar where old cases were assigned to magistrates and it took some time for those cases to be terminated.

Tucson City Court Charges Filed: DUI

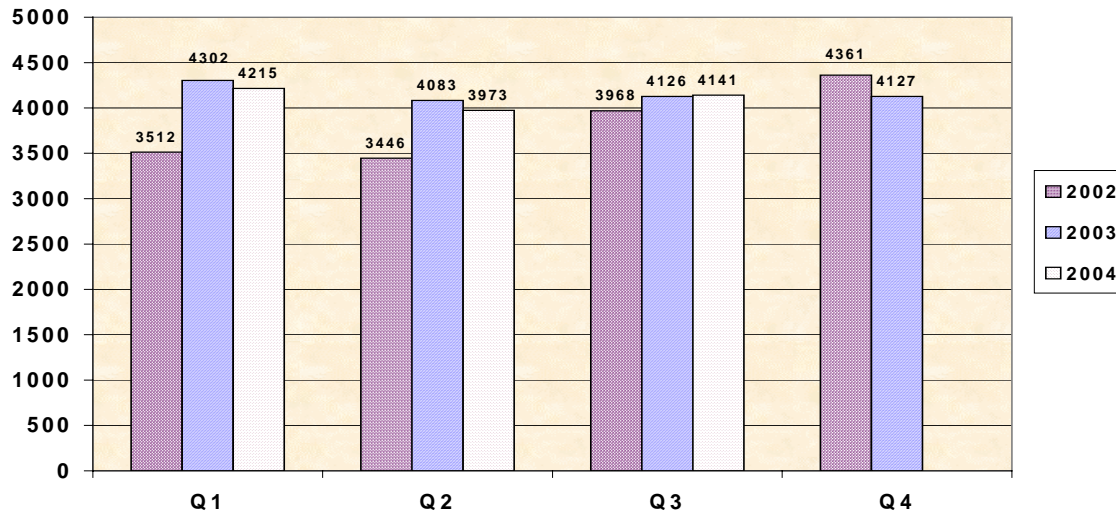


The number of DUI charges filed saw a steep increase between 2002 and 2003. In **the 1st quarter of 2003** 1,958 DUI charges were filed, **up 25.5%** over the same period of 2002. The increase in the 2nd quarter was 21.2%, from 1,574 to 1,997. The 3rd quarter closely mirrored the 1st, and the **largest increases occurred in the 4th quarter with a 31.6% jump from 1,333 to 1,947.**

This rise is attributable to police policy changes that took effect the beginning of fiscal year 2003. According to Assistant Chief of Police, John Leavitt, the Midtown precinct began requiring officers to include copies of DUI reports/investigations with their officer evaluations. This policy caused an increase in the number of investigations that were conducted. In addition, during 2003 there was a push on all youth alcohol offenses, leading to 1,100 arrests, some of which were DUI. Finally, the night motors department shifted its focus to concentrate more heavily on DUI stops.

The number of DUI charges filed are declining slightly in fiscal year 2004 (7.7% - 1st quarter; .80% - 2nd quarter; 13.7% - 3rd quarter) due to increased call volumes and decreased staffing in the field. The traffic stops that routinely lead to DUI citations have declined, as fewer officers are available for traffic duty. In addition, DUI investigations are complex and take a great deal of time for officers to complete, and with the reduced amount of discretionary time available to officers these investigations have been declining.

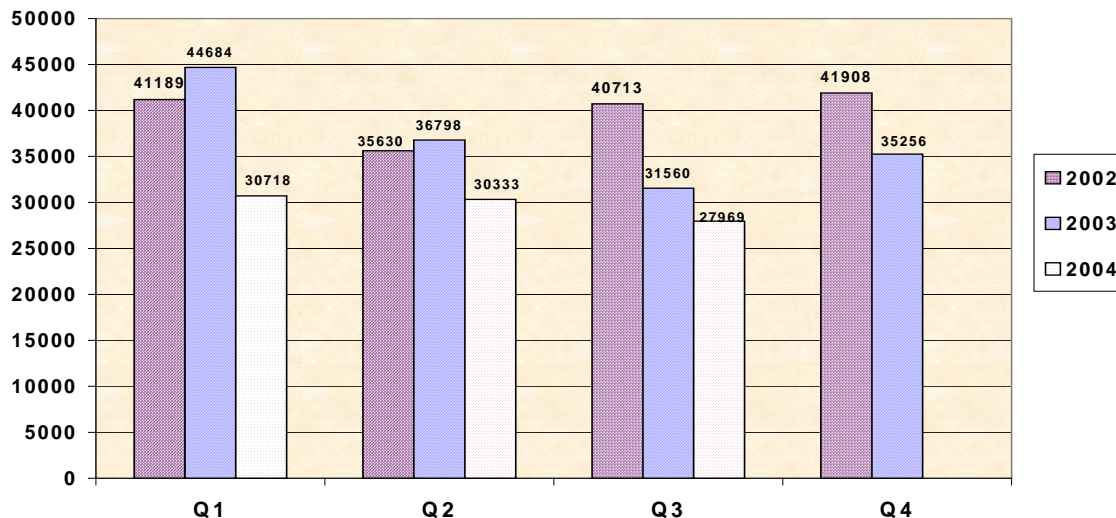
**Tucson City Court
Charges Filed: Criminal Traffic (Non-DUI)**



Criminal traffic offenses include: driving on a suspended license, leaving the scene of an accident, reckless driving, exhibiting signs of acceleration, and speeding in excess of 20 miles over the speed limit.

The number of criminal traffic cases filed rose steadily from 2002 to 2003. In the 1st quarter of 2003 filings increased 18.4% over 2002. There was an increase of 15.7% in the 2nd quarter, and an increase of 3.9% in the 3rd quarter. The case filings have gradually been decreasing since the 4th quarter of 2003. However, the numbers remain more steady for these charges because they are less time consuming and discretionary to manage than the DUI charges.

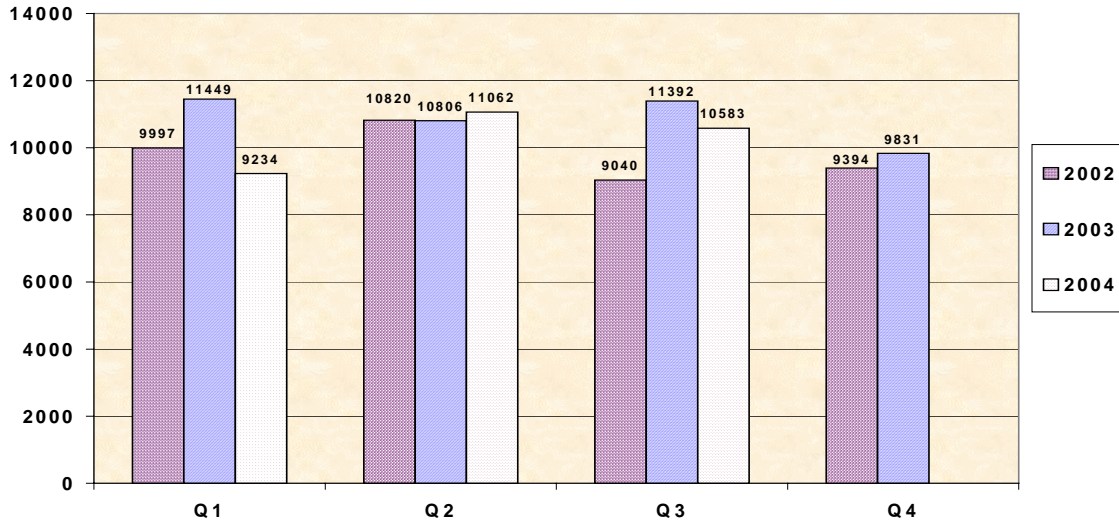
**Tucson City Court
Charges Filed: Civil Traffic**



There has been a consistent decrease in the number of civil traffic charges filed since the 3rd quarter of 2003. In that quarter filings dropped 22.5% from the 3rd quarter of 2002. The 4th quarter saw a drop of 15.9%. The decrease continued into 2004, with the 1st quarter showing a drop of 31.3% from the 1st quarter of 2003. 2nd quarter decreases were at 17.6% and 3rd quarter decreases were at 11.4% from those same periods in 2003.

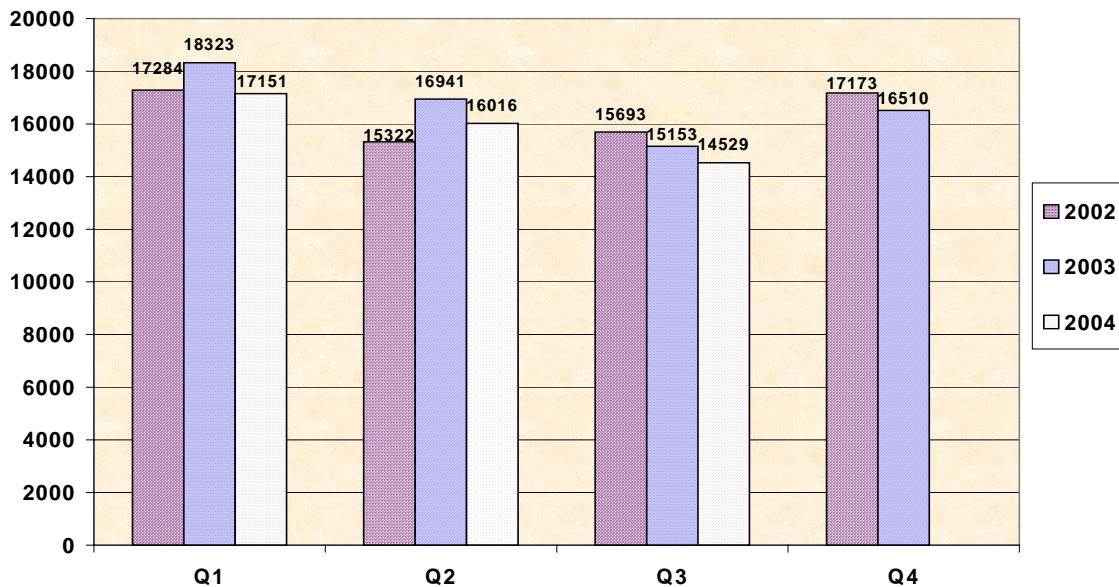
The decreasing charges filed can be attributed to the steady decline in police ranks as call loads have increased. The steady force decrease began in 2002 and has continued through 2004, mostly a result of budgetary cuts. During this time the Tucson Police Department has lost 66 field officer positions and therefore has had to sacrifice basic traffic stops for more pressing police concerns.

Tucson City Court Charges Filed: Parking



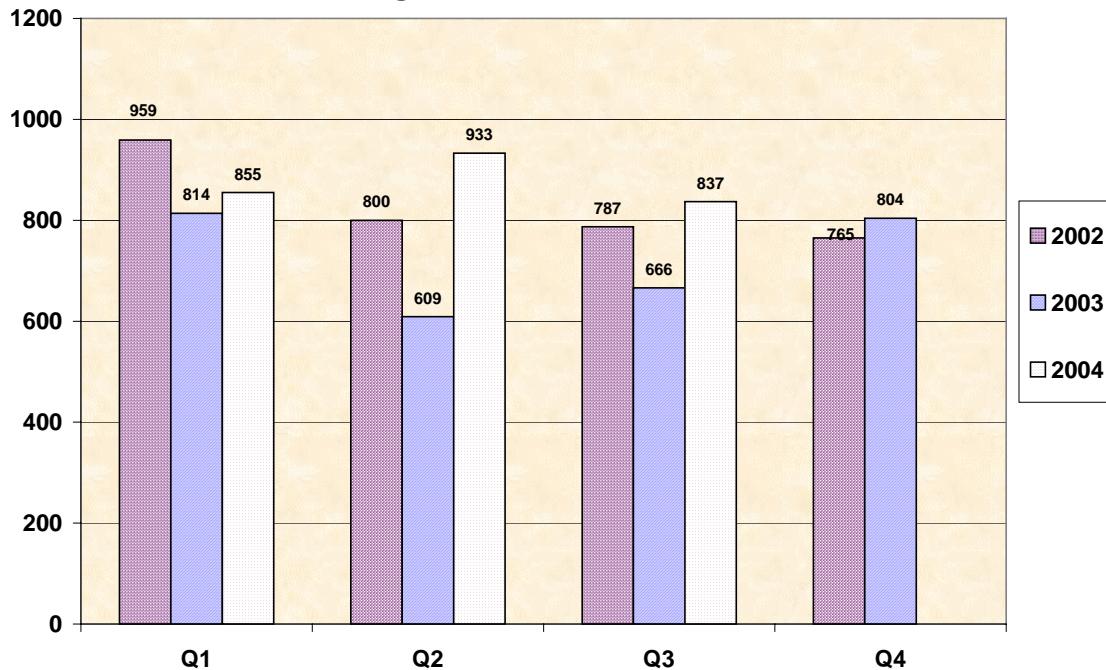
The number of parking charges filed fluctuates from quarter to quarter with little discernable pattern. During the 1st quarter of 2003 there was a rise of 12.7% over the same period in 2002, but the following quarter saw a decrease of 0.2% over the 2nd quarter of 2002. The 3rd quarter of 2003 saw an increase of 20.7% over 2002, while the 4th quarter showed gains of only 4.5%. Fiscal year 2004 has also fluctuated, with a drop of 19.4% in the 1st quarter, a gain of 2.4% in the 2nd quarter and a drop of 7.2% in the 3rd quarter.

Tucson City Court Charges Filed: Criminal Misdemeanor



The number of criminal misdemeanor charges filed has fluctuated between 3% and 10% over the last 2 years. The 1st and 2nd quarters of 2003 saw increases of 5.7% and 9.6% respectively over the same quarters in the previous year. This increase can be partly attributed to a program instituted by the police department known as TRAP. Member businesses gather information on suspected shoplifters and rather than waiting for police assistance to arrive, security releases the suspected shoplifter and sends the information to the police department which then issues citations to the accused. This program led to an increase in shoplifting charges and higher in store arrest rates. The increase was also brought on by the 1,100 youth alcohol arrests made in 2003. While some of these were DUI, many fell under criminal misdemeanor.

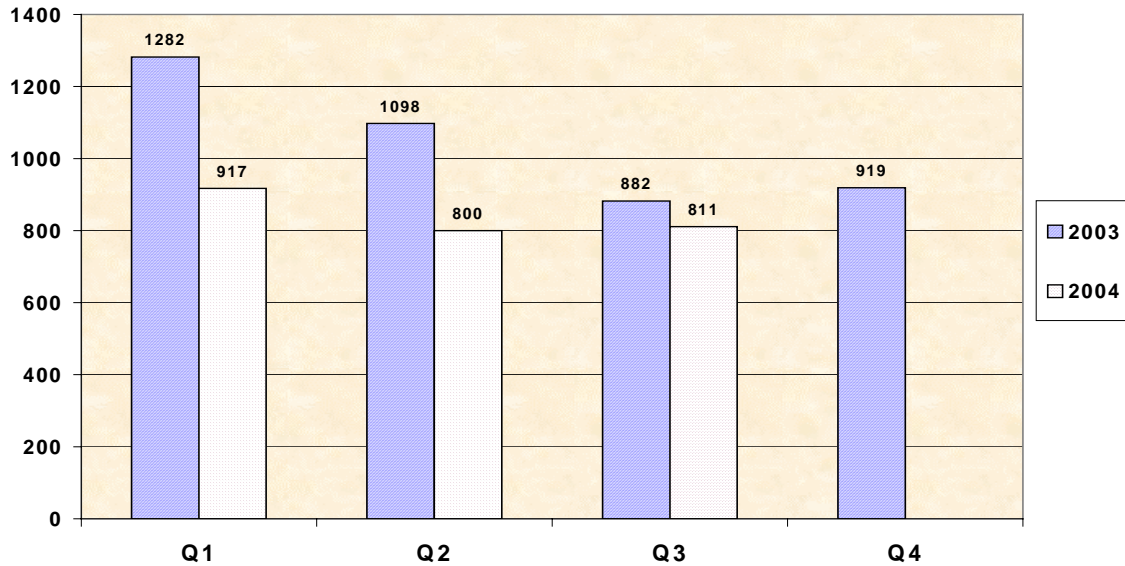
Tucson City Court Charges Filed: Civil Ordinance



The number of civil ordinance charges filed dropped significantly from the 1st to the 3rd quarters of 2002 to 2003. The first quarter decreased from 959 charges in 2002 to 814 charges in 2003, a difference of 15.2%. The second quarter saw the largest decrease (23.9%) from 800 charges filed in 2002 to 609 charges filed in 2003. Third quarter decreases of 15.4% reflected a change from 787 charges filed to 666 charges filed. The numbers were so high in 2002 because of the police's focus on enforcing city noise ordinances through red tag citations.

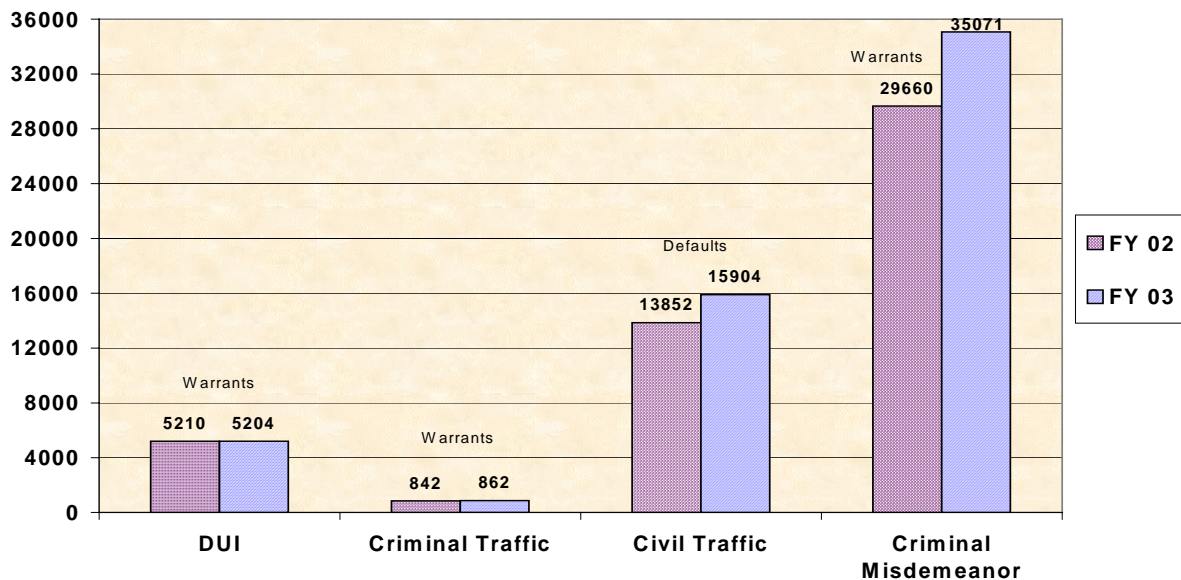
The 4th quarter of 2003 and the 1st quarter of 2004 showed slight gains over the previous year's corresponding quarters (4.9% and 4.8% respectively). A large increase (44.8%) occurred in the 2nd quarter of 2004, a rise from 609 to 933. The 3rd quarter also saw impressive gains of 20.5%. This increase, which began in 3rd quarter 2003, can be attributed to the police's enforcement of junk motor vehicle regulations that prohibit unregistered damaged cars from being kept in residential yards.

Tucson City Court Petitions Filed: Domestic Violence and Harrassment



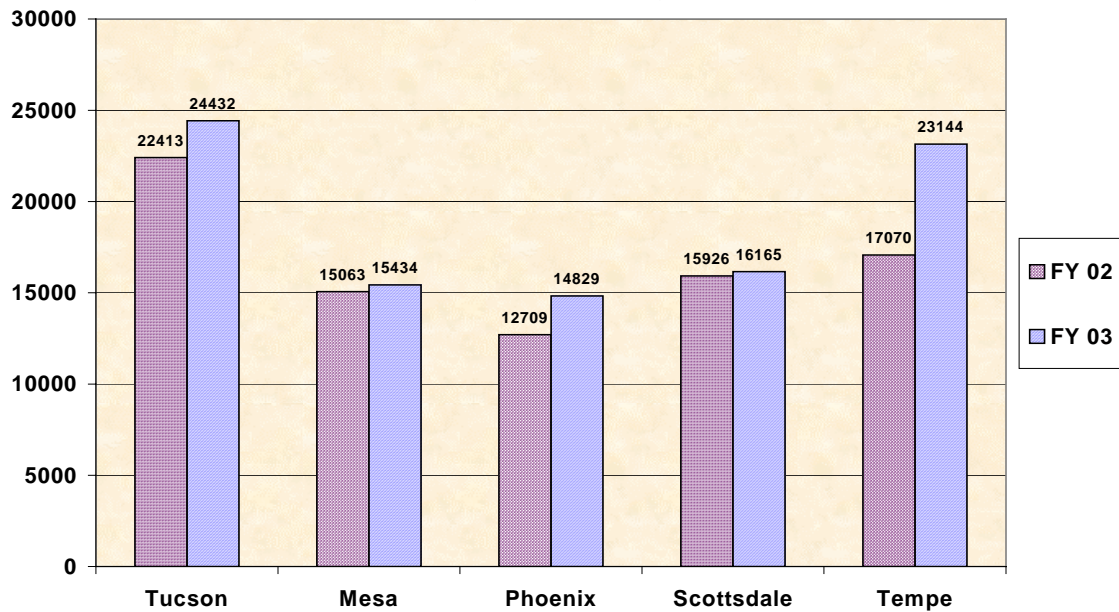
The number of domestic violence and harassment petitions filed in Tucson City Court has decreased substantially from 2003. **The 1st quarter of 2004 saw a decrease of 28.5%, the 2nd quarter saw a decrease of 27.2%, and the 3rd quarter saw a decrease of 8.1% over 2003.** The decrease in petitions filed can be attributed to a new breakdown in court responsibilities. Tucson City Court can no longer issue protective orders that include children in domestic disputes. In addition, hearings for county residents are held in other courts, and are no longer heard in City Court. Countywide filings are up, but the redistribution has led to decreases for this court.

Tucson City Court Outstanding Warrants/Defaults



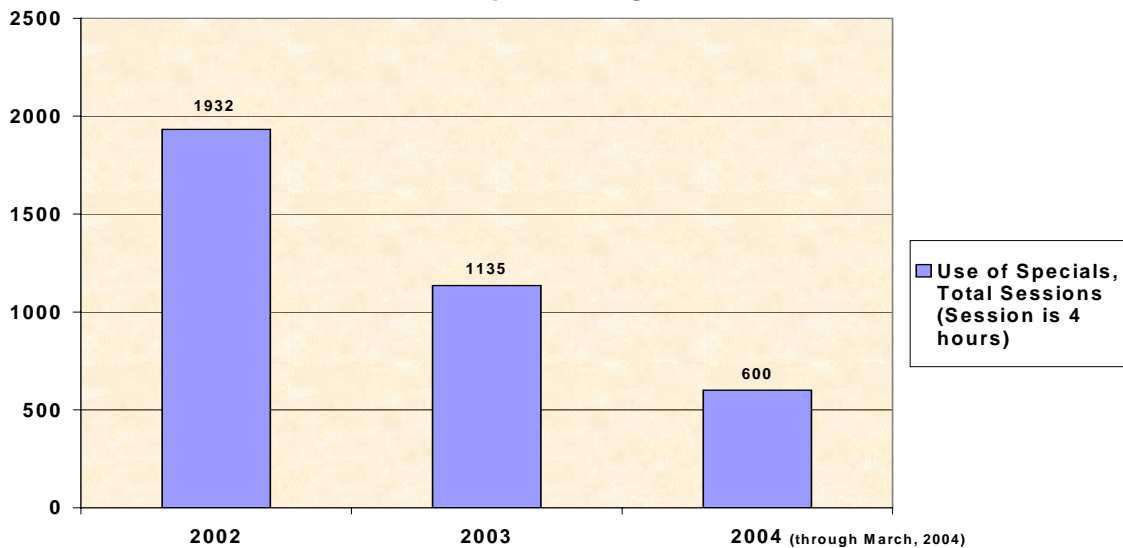
The number of outstanding warrants for DUI remained almost unchanged from fiscal year 2002 to 2003, with a decrease from 5,210 to 5,204. Outstanding warrants for criminal traffic rose 2.4%, from 842 to 862 from fiscal year 2002 to 2003. Civil traffic outstanding defaults increased 13%, from 13,852 to 15,904 from fiscal year 2002 to 2003. Criminal misdemeanor outstanding warrants increased 15.5%, from 29,660 to 35,071 from fiscal year 2002 to 2003.

Number of Cases per Magistrate by Municipality



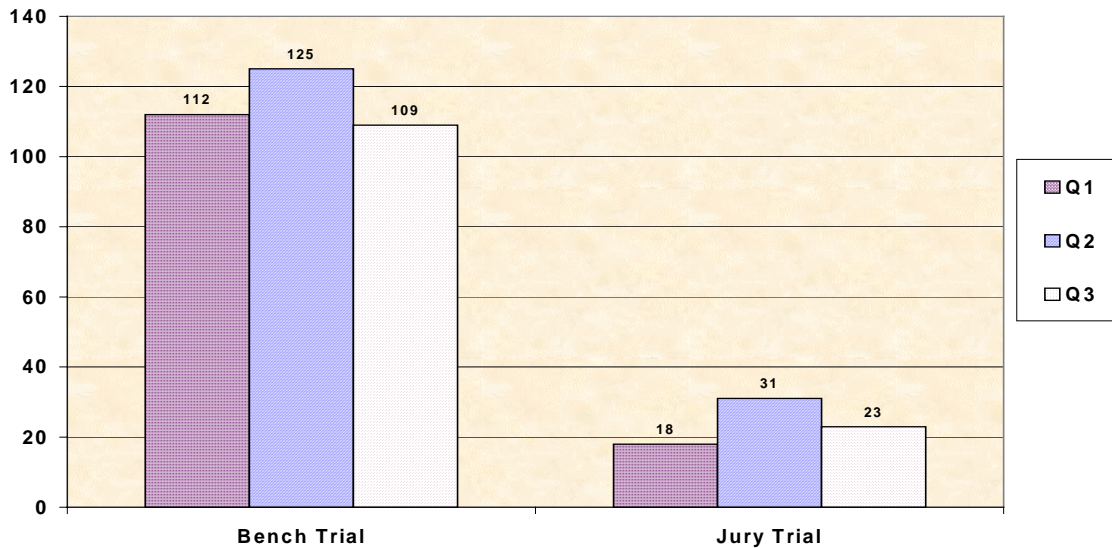
The number of cases per magistrate has remained consistently higher in Tucson than in other municipalities. For fiscal year 2003 Tempe came closest to matching Tucson numbers, but still fell 5.3% short. Tucson saw an increase in number of cases per magistrate of 8.3% (2019 cases) between fiscal year 2002 and fiscal year 2003. In both years Tucson magistrates were assigned substantially more cases than those in Phoenix. In 2002 the difference was 43.3%, while in 2003 it was 39.4%. The discrepancy continued even after Phoenix saw a 14.3% increase in the number of cases per magistrate between 2002 and 2003.

Tucson City Court Use of Special Magistrates



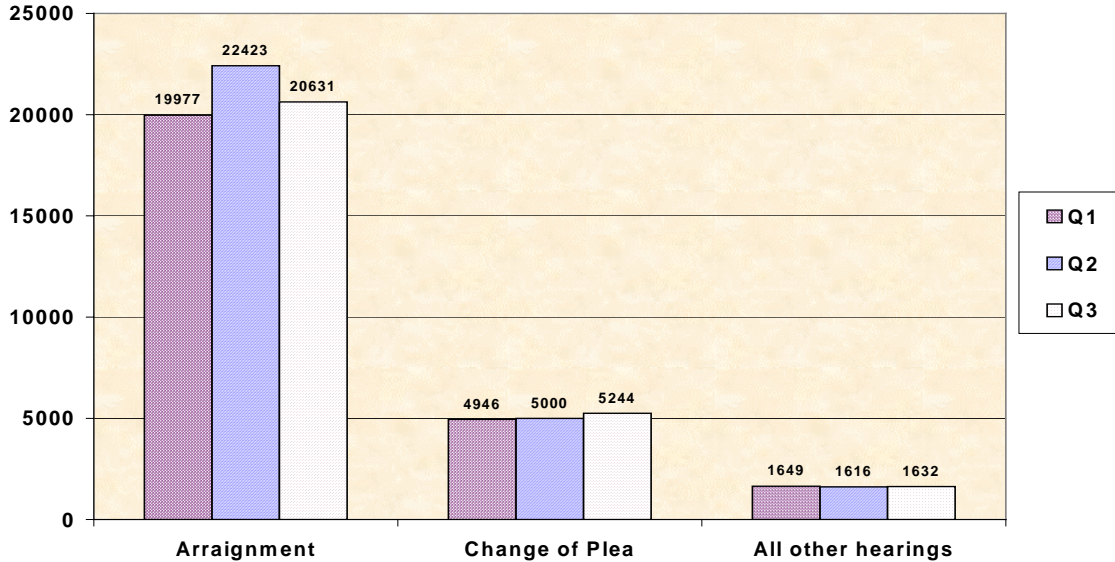
The use of special magistrates fell 41.3% from fiscal year 2002 to fiscal year 2003. The figures through 3rd quarter of 2004 show a continued decrease in use of special magistrates. The Court now uses an all-assigned calendar where each defendant is assigned to a particular judge at the time of arraignment. Magistrates are therefore required to clear their calendars before taking vacation and are not to rely on special magistrates to cover their caseload. Additionally, each case is only assigned to one magistrate and prosecutor which provides an incentive to them to better manage the caseload without relying upon the use of special magistrates.

Tucson City Court Trials (2004)



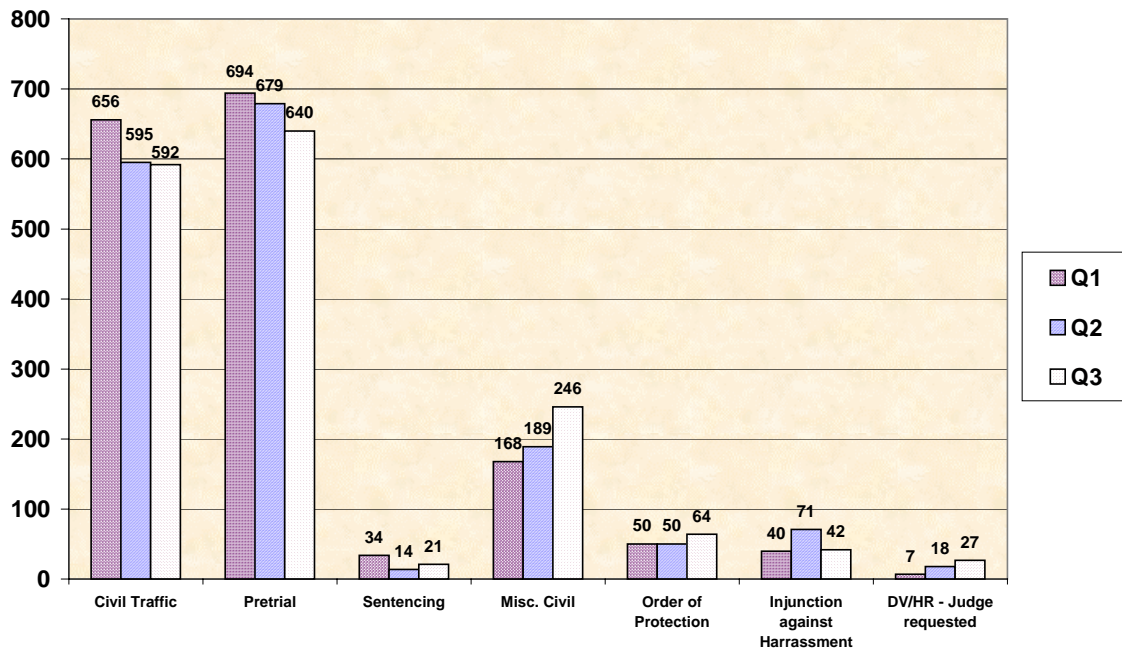
Bench trials make up more than 80% of the trials held in Tucson City Court. Of the 130 trials held in the 1st quarter of 2004 only 18 of them (13.9%) were jury trials. In the 2nd quarter of 2004 only 31 out of 156 (19.9%) were jury trials. In the 3rd quarter of 2004 23 of the 132 trials (17.5%) were jury trials. Overall, there was a 16.7% increase in the number of trials held between the 1st and 2nd quarters, but the numbers were back down again by the 3rd quarter.

Tucson City Court Hearings (2004)



The majority of hearings in Tucson City Court consist of arraignments and change of pleas. In the 1st quarter of 2004 arraignments made up 75.1% of all hearings, while change of pleas made up 18.6% of all hearings. The remaining 6.6% consisted of all the other types of hearings combined. In the 2nd quarter of 2004 arraignments made up 77.2% of all hearings, while change of pleas made up 17.2%. In the 3rd quarter of 2004 arraignments made up 75% of all hearings, while change of pleas made up 19%.

Tucson City Court Hearings (Non-Arrestment or Non-Change of Plea) (2004)



This category consists of civil traffic hearings, pretrial hearings, sentencing hearings, miscellaneous civil hearings, order of protection hearings, injunction against harassment hearings, and domestic violence/harassment hearings (judge requested). Civil traffic and pretrial hearings make up the majority of non-arrestment, non-change of plea hearings. All remaining hearings make up a small percentage of the overall hearings held in Tucson City Court.